IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12499 of 1993

Between:

Kishan Rafo K. son iof Late Vittal Rao

..... PETITIONER

AND

1. The Joint Collector, Medak, at Sangareddy
2. The Sub-Collector, Medak, Medak District.
3. The Mandal Revenue Officer, Regode Mandal, medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Certiorari under Article 226 of the Constitution of India to set aside the order passed by Respondent No.1 vide Case No.B2/7590/92 dated 6-8-93 is inviolation of principles of natural justice, without jurisdiction, bad and illegal.

Counsel for the Petitioner: MR.PANDURANGA RAO KULKARNI

Counsel for the Respondent s: GP FOR REVENUE

The Court made the following :

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ORDER:

This Writ Petition is filed, questioning the order dated 6-8-1993 in case No.B2/7590/1992, passed by the Joint Collector, in exercise of powers under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971.

Earlier, on an application filed by the petitioner, the Revenue Divisional Officer passed order dated 5-5-1990 setting aside the entries made in respect of Col.Nos. 3,4 and 9 in the record of rights with regard to the land covered by Sy.Nos. 127, 128, 129 and 306, situated in Regode Village & Mandal of Medak District. However, on the representation dated 15-3-1991 submitted by landless poor people, the impugned order dated 6-8-1993 is passed by the Joint Collector, setting aside the order dated 5-5-1990 passed by the Revenue Divisional Officer.

One of the contentions raised in the Writ Petition is that the petitioner was not given any opportunity or notice before passing of the impugned order by the Joint Collector.

Though counter affidavit is filed on behalf of the respondents, but, no where they have indicated that the petitioner was given notice before passing the impugned order. There is no denial of the allegation of the petitioner that he was not given any opportunity before passing the impugned order.

With reference to the above submissions, it is to be seen, the very proviso to Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 reads as follows:

"9.REVISION: XXXXXX XXXXX XXX

XXXXXX XXXXX XXX

> Provided that no order adversely affecting any person shall be passed under this section unless he had an opportunity of making a representation"

In that view of the matter, the impugned order is liable to be set aside, as the said order is passed in violation of the proviso to Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 197, and, also principles of natural justice. On that short ground, the impugned order is set aside, and the matter is remitted to the Joint Collector, Medak at Sanga Reddy, to dispose of the same afresh, within a period of three months from the date of receipt of this order, by giving opportunity to the petitioner and, if necessary, to any other affected parties. Pending disposal of the matter by the Joint Collector, status quo existing as on today shall be maintained with regard to entries and actual

possession of the disputed land in question.

Subject to the above direction, the Writ Petition is disposed of. No costs.

JUSTICE R. SUBHASH REDDY

DATED: 15-12-2004

Note: CC in a week.

(BO) Msnr.

To

1. The Joint Collector, Medak, at Sangareddy
2. The Sub-Collector, Medak, Medak District.
3. The Mandal Revenue Officer, Regode Mandal, medak District.
4. Two CCs to G.P for Revenue, High Court Buildings, A.P.High Court, Hyderabad.
5. Two C.D.Copies.